

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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**TEVA WOMEN'S HEALTH, INC.,**

**Plaintiff,**

**v.**

**LUPIN, LTD., ET AL.,**

**Defendants,**

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**TEVA WOMEN'S HEALTH, INC.,**

**Plaintiff,**

**v.**

**MYLAN PHARMACEUTICALS,**

**Defendant.**

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**Civil Action No. 10-80 (FSH)(PS)**

**Civil Action No. 10-1234 (FSH)(PS)**

**ORDER ON INFORMAL APPLICATION**

This matter having come before the Court by way of submission dated November 29, 2010, regarding the request of all defendants to amend their invalidity contentions;

and the Court having considered the submission, record of proceedings, and governing law;

and additional factual information regarding disclosures of the '17 patent being needed to determine if the Federal Circuit's diligence standard set forth in 02 Micro Int'l Ltd. v. Monolithic Power Sys., Inc., 467 F.3d 1355, 1366 (Fed. Cir. 2006), has been met;

ORDERED that, no later than **December 10, 2010 at 5:00 p.m.**, defendant Watson and

plaintiff Teva shall submit a certification under oath from a person with knowledge that states:

(1) whether or not Watson disclosed the '017 application during the Nevada case; (2) if the '017 application was disclosed during the Nevada case, describe what was disclosed (such as a German language version, a published version, an unpublished version, an English translation version, etc.), when it was disclosed and who disclosed it; (3) states whether or not Watson or plaintiff disclosed the '071 application in this case and, if so, describe what was disclosed (such as a German language version, a published version, an unpublished version, an English translation version, etc.), when it was disclosed and who disclosed it; and

IT IS FURTHER ORDERED that, no later than **December 10, 2010 at 5:00 p.m.**, defendants Mylan/Famy and Lupin shall submit certifications under oath from a person with knowledge that states whether or not it was provided a copy of the '017 application, and if so, what was disclosed (such as a German language version, a published version, an unpublished version, an English translation version, etc.), when it was disclosed, and who disclosed it.; and

IT IS FURTHER ORDERED that if a party contends that an "unpublished" version was disclosed, then they shall explain what is meant by this moniker.

s/Patty Shwartz  
UNITED STATES MAGISTRATE JUDGE